

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.10043 of 2016

Tarachand Jain

Petitioner

Vs

1 The State of Tamil Nadu
Inspector of Police (L & O)
C2-Elephant Gate, Chennai

2 Malligeswari

Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the first respondent to register FIR against the second respondent on the petitioner's complaint dated 27.02.2016 in CSR No.43/CSR/C2/2016 on the file of the respondent police.

For petitioner Mr. S. Sandeep S. Shah

For R1

Mr.C.Emalias

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the first respondent to register FIR against the second respondent based on the petitioner's complaint dated 27.02.2016 in CSR No.43/CSR/C2/2016 on the file of the respondent police.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. It is seen that the petitioner has given a complaint by email dated 27.02.2016 wherein, he has alleged that his father was a tenant in the premises bearing No.17, Bommulier Street, Sowcarpet, Chennai - 79; that his father had gone to Mumbai; that when the petitioner came on 27.02.2016, he found that the shop was opened by the landlady and the furniture was removed.

4. Per contra, the learned Additional Public Prosecutor submitted that a similar complaint was given by the petitioner

earlier, based on which, a case in Crime No.511 of 2014 under Sections 448, 427 and 380 IPC was registered and the same was closed as mistake of fact on 12.08.2014.

5. Even according to the petitioner, he has got possession of the property and in the petition, he has prayed for putting back to possession of the property. Under such circumstances, no positive direction can be issued to the respondent police to register an FIR.

Hence, this Crl.O.P. is closed with liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

gms/cad

To

- 1 The Inspector of Police (L & O)
C2-Elephant Gate, Chennai
- 2 The Public Prosecutor
High Court of Madras
Chennai 600 104
- 3 ccs to Mr.Sandeep S.Shah, Advocate, sr.30124

Crl.O.P.No.10043 of 2016

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